

but not adopted, if a fair reading of the Commission opinion(s) concerned shows that such methodology offers potential benefits and new data are available to remedy any defects cited by the Commission.

2. To argue for equity on behalf of the general public and principally those segments of the general public who are not otherwise represented in PRC proceedings. In so doing, the officer shall consider both long and short term consequences.

3. During the course of proceedings the officer, in accordance with Commission rules, shall maintain complete independence from the members of the Commission and the agency's advisory staff.

[48 FR 13168, Mar. 30, 1983]

PART 3003—PRIVACY ACT RULES

Sec.

3003.1 Purpose and scope.

3003.2 Definitions.

3003.3 Procedures for requests pertaining to individual records in a record system.

3003.4 Times, places, and requirements for identification of individuals making requests.

3003.5 Disclosure of requested information to individuals.

3003.6 Special procedures: medical records.

3003.7 Request for correction or amendment to record.

3003.8 Agency review of request for correction or amendment of record.

3003.9 Appeal of initial adverse agency determination on correction or amendment.

3003.10 Disclosure of record to person other than the individual to whom it pertains.

3003.11 Fees.

3003.12–3003.13 [Reserved]

3003.14 Specific exemptions.

AUTHORITY: Privacy Act of 1974 (Pub. L. 93–579), 5 U.S.C. 522a.

SOURCE: 40 FR 38154, Aug. 27, 1975, unless otherwise noted.

§ 3003.1 Purpose and scope.

This part is published in compliance with the Privacy Act of 1974 (Pub. L. 93–579). It establishes procedures, consistent with the purposes of the Act, by which individuals may safeguard their privacy by obtaining access to, and requesting amendments or corrections in, information about them which is under the Commission's control.

§ 3003.2 Definitions.

For purposes of this part:

(a) *Commission* means The Postal Rate Commission.

(b) *Act* means the Privacy Act of 1974 (Pub. L. 93–579).

(c) *Individual* means a citizen of the United States or an alien lawfully admitted for permanent residence.

(d) *Maintain*, used with reference to a record means to collect, to use, to disseminate, to have control over and responsibility for such record.

(e) *Record* means any item, collection or grouping of information about an individual that is maintained by the Commission and that is retrievable by his or her name or an identifying particular, such as a number, symbol, fingerprint, or photograph, of the individual. Information maintained by the Commission includes but is not limited to, education, financial transactions, medical history, employment history and criminal history.

(f) *Routine use* means, with respect to the disclosure of a record, the use of such a record for a purpose which is compatible with the purpose for which it was collected. The routine uses of record systems maintained by the Commission were established pursuant to notice in the FEDERAL REGISTER.

(g) *System of records* means a group of any records under the control of the Commission from which information about an individual is retrievable by his or her name or by some identifying particular.

§ 3003.3 Procedures for requests pertaining to individual records in a record system.

(a)(1) An individual who wishes to know whether a system of records maintained by the Commission contains a record or records pertaining to him or her shall file a written inquiry to this effect with the Chief Administrative Officer of the Commission at the Commission's business address. The request shall clearly state on the outside of the envelope and in the body that it is a Privacy Act request.

(2) The Chief Administrative Officer shall respond within 10 days of receipt

Postal Rate Commission

§ 3003.7

of such an inquiry (exclusive of Saturdays, Sundays, and legal holidays) informing the individual whether a system of records maintained by the Commission contains such a record or records.

(b) After an accounting of disclosures has been kept, an individual may request an accounting of disclosures of his or her record or records made within the immediately preceding year, except for those made:

(1) To those officers and employees of the Commission who have a need for the record in the performance of their duties;

(2) Required under the Freedom of Information Act (5 U.S.C. 552);

(3) To another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the Commission specifying the particular portion desired and the law enforcement activity for which the record is sought.

Such a request shall be addressed in writing to the Chief Administrative Officer.

(c)(1) An individual who desires to gain access to any record pertaining to him or her contained in a system of records maintained by the Commission shall file a written request with the Chief Administrative Officer at the Commission's business address.

(2) The written request shall state whether the individual intends to appear in person at the Commission's offices or whether he desires to receive a copy of the record or records pertaining to him or her through the mails.

§ 3003.4 Times, places, and requirements for identification of individuals making requests.

(a) An individual appearing in person pursuant to paragraph (c) of § 3003.3, shall:

(1) Appear at the Commission's business offices between the hours of 8 a.m. and 4:30 p.m. on any day except Saturdays, Sundays, and legal holidays;

(2) Present suitable identification, such as a driver's license, employee identification card, or Medicare card;

(3) If accompanied by another individual of his or her choosing, provide a written statement authorizing discussion of his or her record in the presence of the accompanying individual.

(b) An individual who files a request through the mails pursuant to paragraph (c) of § 3003.3 of this part shall include his or her date of birth and other suitable proof of identity, such as a facsimile of a driver's license, employee identification card, Medicare card.

[40 FR 38154, Aug. 27, 1975, as amended at 41 FR 52455, Nov. 30, 1976]

§ 3003.5 Disclosure of requested information to individuals.

An individual who has filed a request in accordance with § 3003.4 shall be permitted to review the record or records pertaining to him or her and to have all or any portion thereof copied. Review of Commission records pursuant to § 3003.4(a) will be conducted in the presence of a representative of the Commission.

§ 3003.6 Special procedures: medical records.

An individual who requests access to records containing medical information about himself or herself shall provide the Chief Administrative Officer with the name of a licensed medical practitioner. If in the Chief Administrative Officer's judgment transmission of the medical information to the individual could have an adverse effect upon him or her, the information will be transmitted directly to the named medical practitioner.

§ 3003.7 Request for correction or amendment to record.

(a) An individual may request that a record or records pertaining to him or her be amended or corrected. Such requests shall be submitted in writing to the Chief Administrative Officer at the Commission's business address.

(b) An individual requesting amendment of a record or records pertaining to him or her shall furnish suitable identification, as provided in § 3003.4(a)(2) and (b).